

EXHIBIT

“47”

1092

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
2 -----x

3 UNITED STATES OF AMERICA,

4 v. 15 Cr. 643 (PKC)

5 GARY HIRST,

6 Defendant.

7 -----x September 21, 2016
8 10:00 a.m.

9 Before:

HON. P. KEVIN CASTEL

10 District Judge
11 and a Jury

12 APPEARANCES
13

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15 Southern District of New York
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21 ALSO PRESENT:
21 SPECIAL AGENT SHANNON BIENIEK, FBI
22 ELLIE SHEINWALD, Paralegal
22 GARY SMITH, Paralegal
23 RYAN POLLOCK, Paralegal
24

25

SOUTHERN DISTRICT REPORTERS, P.C.

1202

G9LOHIR4

Hallac - Cross

1 Q. So you tried do something about that by getting involved
2 with somebody named David Bergstein; isn't that right?

3 A. Well, I was introduced to David Bergstein by Jason Galanis.

4 Q. I understand you were introduced to him, but then you
5 entered into a series of fraudulent agreements with him, didn't
6 you?

7 A. Yes, I did.

8 Q. And that was, in part, to try to clean up the mess that you
9 had made with the Wimbledon assets, right?

10 A. You could say that.

11 Q. I'm asking you, is that --

12 A. It was to help -- to help the assets have some value again,
13 correct.

14 Q. And it's another fraud because you didn't tell your
15 investors about what you were doing with Bergstein, right?

16 A. Yes, sir.

17 Q. One of the things you were doing with Bergstein is you
18 agreed that he would try to recover these assets from Gerova,
19 right?

20 A. That was the understanding.

21 Q. So basically, the deal was, he would try to recover them,
22 and if he did, then you would have to give the recovered assets
23 to something called Arius Libra, right?

24 A. Yes.

25 Q. And that's another company that Bergstein controlled,

1203

G9LOHIR4

Hallac - Cross

1 right?

2 A. Well, actually, the Wimbledon Financing Fund controlled
3 65 percent of the stock of Arius Libra. Bergstein controlled
4 it in the sense that he was the initial director and had some
5 powers of moving things around.

6 Q. Okay. But again, this was part of your guilty plea
7 allocution, right?

8 A. Well, not that specific thing. The fact, my guilty plea
9 was about investor advisory fraud and securities fraud.

10 Q. Okay. You agreed that if Bergstein could recover these
11 assets, you would be okay with them being pledged to Arius
12 Libra to finance investments in medical billing companies,
13 right?

14 A. Yes, I was very okay with that.

15 Q. And that was part of your larger fraud to which you
16 allocuted, right?

17 A. Yes. And in fact, prior to that transfer being made, all
18 the investors of the Wimbledon Financing Fund were gathered at
19 a meeting on December 14th, 2011 to explain to them what was
20 being done with Bergstein and Parmar and with the Wimbledon
21 Financing Fund, and they knew all about it.

22 Q. Okay. And then Bergstein convinced you to take cash from
23 another Weston fund called Partners 2, correct?

24 A. Yes.

25 Q. And the point there was to loan that money to Arius Libra?

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14 GOVERNMENT EXHIBITS

15	Exhibit No.	Received
16	3505-11	1212
17	450, 451, 452, 453, 454, 455, 1510	1220
18	901 through 910	1230
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20 DEFENDANT EXHIBITS

21	Exhibit No.	Received
22	1256	1141
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